

MILBANK LLP
Linda Dakin-Grimm (State Bar #119630)
Mark Shinderman (State Bar #136644)
Marina Markarian (State Bar #340686)
2029 Century Park East, 33rd Floor
Los Angeles, CA 90067
Telephone: 424-386-4404
Facsimile: 213-629-5063
Email: Ldakin-grimm@milbank.com

Elizabeth Hamilton, *pro hac vice*
55 Hudson Yards
New York, New York 10001
Telephone: 212-530-5000
Facsimile: 212-530-5219
Email: Ehamilton@milbank.com

Pro Bono Attorneys for Plaintiffs,
Esvin Fernando Arredondo Rodriguez and A.F.A.J.

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

ESVIN FERNANDO ARREDONDO
RODRIGUEZ INDIVIDUALLY AND
A.F.A.J., A MINOR, BY HER GUARDIAN
AD LITEM, JEFFREY HAMILTON,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No.: CV 22-02845-JLS-JC

**PLAINTIFFS' REPORT ON
DISCOVERY ORDERS IN
FAMILY SEPARATION CASES**

Next Hearing Date: Nov. 21, 2023
Time: 10:30 AM

1 **WHEREAS**, on October 31, 2023, the Court held a hearing on Plaintiffs’
 2 Motion for Document Production. ECF No. 63.

3 **WHEREAS**, at that hearing, the Court ordered Plaintiffs, by not later than
 4 November 9, 2023, to (a) review the dockets of the approximately forty (40)
 5 “Family Separation Cases”¹ (*see* ECF No. 64 at n.3); (b) identify any discovery
 6 orders requiring or declining to require the production of non-plaintiff specific
 7 discovery beyond the “common discovery,” as that term has been used by Defendant
 8 in this case; (c) prepare a chart or list including the case name and number of each
 9 such case, the docket number of any such order, and a description of any such
 10

11
 12 ¹ *A.E.S.E. v. United States*, No. 2:23-cv-00569 (D.N.M.); *P. v United States*, No.
 13 1:21-cv-00780-DAD-EPG (E.D. Cal.); *Aguilar Morales v. United States*, No. 3:23-
 14 cv-00247-KC (W.D.Tex.); *A.I.I.L. v. Sessions*, No. 4:19-cv-00481 (D.Ariz.);
 15 *Gonzales de Zuniga v. United States*, No. 2:23-cv-00162-KRS-JHR (D.N.M.);
 16 *B.A.D.J. v. United States*, No. 2:21-cv-00215 (D.Ariz.); *E.C.B. v. United States*, No.
 17 2:22-cv-00915 (D.Ariz.); *E.S.M. v. United States*, No. 4:21-cv-00029 (D.Ariz.); *F.R.*
 18 *v. United States*, No. 2:21-cv-00339 (D.Ariz.); *J.P. v. United States*, No. 2:22-cv-
 19 00683 (D.Ariz.); *M.S.E. v. United States*, No. 2:22-cv-01242 (D.Ariz.); *Fuentes-*
 20 *Ortega v. United States*, No. 2:22-cv-00449 (D.Ariz.); *B.Y.C.C. v. United States*, No.
 21 3:22-cv-06586 (D.N.J.); *J.A.L.C. v. United States*, No. 3:22-cv-06587 (D.N.J.);
 22 *J.A.L.C. v. United States*, No. 3:22-cv-06587 (D.N.J.); *R.J.P. v. United States*, No.
 23 3:22-cv-06588 (D.N.J.); *Caal v. United States*, No. 1:23-cv-00598 (N.D.Ill.); *C.D.A.*
 24 *v. United States*, No. 5:21-cv-00469 (E.D.Pa.); *C.M.-D.V. v. United States*, No. 5:21-
 25 cv-00234 (W.D.Tex.); *D.A. v. United States*, No. 3:22-cv-00295 (W.D.Tex.); *W.P.V.*
 26 *v. United States*, No. 3:23-cv-00074-DCG (W.D.Tex.); *J.R.G. v. United States*, No.
 27 4:22-cv-05183 (N.D.Cal.); *P.G. v. United States*, No. 4:21-cv-04457 (N.D.Cal.); *I.T.*
 28 *v. United States*, No. 4:22-cv-05333 (N.D.Cal.); *D.J.C.V. v. United States*, No. 1:20-
 cv-05747 (S.D.N.Y.); *E.L.A. v. United States*, No. 2:20-cv-01524 (W.D.Wash.);
S.M.F. v. United States of America, No. 2:22-cv-01193 (W.D.Wash); *K.O. v. United*
States, No. 4:20-cv-12015 (D.Mass.); *Leticia v. United States*, No. 1:22-cv-07527
 (E.D.N.Y.); *F.C.C. v. United States*, No. 2:22-cv-05057 (E.D.N.Y.); *Benitez v.*
Miller , No. 3:22-cv-00884 (D. Conn.); *R.Y.M.R. v. United States*, No. 1:20-cv-
 23598 (S.D.Fla.); *M.A.N.H. v. United States*, No. 5:23-cv-00372 (C.D.Cal.);
J.P./M.A. v. United States, No. 23-cv-01136 (C.D.Ill.); *J.J.P.B. v. United States*, No.
 7:23-cv-00133 (S.D.Tex.); *M.M.C. v. United States*, No. 1:23-cv-00158-WES
 (D.R.I.); *N.R. v. United States*, No. 4:23-cv-00201-JR (D.Ariz.); *P.C.J. v. United*
States, No. 2:23-cv-00780-DJH (D.Ariz.).

1 discovery referenced in any such order; and (d) file and serve Defendant with a copy
2 of such chart or list. ECF No. 81.

3 **WHEREAS**, the Court ordered Defendant, by not later than November 17,
4 2023, to (a) seek from other federal government attorneys assigned to the
5 approximately forty (40) “Family Separation Cases,” information regarding what, if
6 any, non-plaintiff specific discovery beyond the “common discovery,” as that term
7 has been defined by Defendant, has been produced—voluntarily or otherwise—in
8 such cases; (b) prepare a chart or list including the case name or number of each
9 such case, specifying whether or not any such additional non-plaintiff specific
10 discovery has been produced voluntarily or ordered (if the former, so specifying; if
11 the latter, so specifying and including the docket number of the order), and
12 describing the discovery produced or ordered produced; and (c) file and serve
13 Plaintiffs with a copy of such chart or list. ECF No. 81.

14 **WHEREAS**, the Court set a telephonic status conference in this matter for
15 November 21, 2023 at 10:30 a.m. ECF No. 81.

16 Plaintiffs respectfully submit this Report on Discovery Orders in Family
17 Separation Cases. Plaintiffs reviewed the dockets of the Family Separation cases.
18 *See* paragraph 3 of the Declaration of Julia C. Duke (the “Duke Decl.”), submitted
19 herewith as Exhibit A. It is noteworthy that 11 of the Family Separation cases are
20 not yet in the discovery stage. Plaintiffs identified docket entries that appeared to be
21 relevant and created a chart with such orders. *See* Exhibit 1 to the Duke Decl.

1 Dated: November 9, 2023

Respectfully Submitted,

2 **MILBANK LLP**

3 By: /s/ Linda Dakin-Grimm

4 Linda Dakin-Grimm (State Bar #119630)

Ldakin-grimm@milbank.com

5 Mark Shinderman (State Bar #136644)

6 MShinderman@milbank.com

7 Marina Markarian (State Bar #340686)

8 2029 Century Park East, 33rd Floor

Los Angeles, CA 90067

9 Telephone: 424.386.4000

10 Facsimile: 213.629.5063

11 Elizabeth Hamilton, *pro hac vice*

12 55 Hudson Yards

New York, New York 10001

13 Telephone: 212-530-5000

14 Facsimile: 212-530-5219

Email: Ehamilton@milbank.com

15 *Pro Bono* Attorneys for Plaintiffs,

16 Esvin Fernando Arredondo Rodriguez and

17 A.F.A.J.